

EXHIBIT 7

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 * * * * *

4 KRISTINA MIKHAYLOVA,

5 Plaintiff,

6 vs.

7 BLOOMINGDALE'S, INC.,

8 BLOOMINGDALE'S, INC.

9 d/b/a/ BLOOMINGDALE'S

10 AND FORTY CARROTS,

11 BLOOMINGDALE'S, LLC,

12 BLOOMINGDALE'S, LLC,

13 d/b/a BLOOMINGDALE'S NEW

14 YORK, MACY'S, INC.,

15 MACY'S, INC., d/b/a

16 MACY'S OF NEW YORK,

17 UNITED STOREWORKERS

18 RETAIL, WHOLESALE AND

19 DEPARTMENT STORE UNION

20 AFL-CIO LOCAL 3 a/k/a

21 LOCAL 3 UNITED

22 STOREWORKERS RWDSU/UFCW,

23 DENNIS DIAZ,

24 individually, CHRISTOHER

CASTELLANI,

individually, RICHARD

LAW, individually, and

BOBBY BOOKER,

individually,

Defendants.

* * * * *

WEDNESDAY, NOVEMBER 2, 2022

REMOTE oral sworn deposition of

COURTNEY COX, commencing on or about 10:00

a.m., before Lynda C. Vetter, Court Reporter

and Notary Public.

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I N D E X

WITNESS: COURTNEY COX

EXAMINATION:

Page

By Ms. Mendoza

4

EXHIBITS FOR IDENTIFICATION:

Number Description

Page

Cox 1 BLM000807 document

41

Cox 2 BLM000754

44

Exhibits attached to transcript

<p>Page 4</p> <p>1 COURTNEY COX, 2 having been duly sworn, was deposed and 3 testified as follows: 4 EXAMINATION 5 BY MS. MENDOZA: 6 Q. Good morning. My name is Melissa 7 Mendoza. I am the attorney for the plaintiff, 8 Kristina Mikhaylova, in this case. And do you 9 prefer to be called Ms. Cox, Courtney? What 10 do you prefer? 11 A. Courtney would be great. 12 Q. Okay. All right. So have you -- 13 have you ever been to a deposition before? 14 A. I have not. 15 Q. Okay. So I'm just going to lay 16 some ground rules first before we begin. Make 17 sure to respond with verbal responses because 18 the court reporter is taking everything that 19 we say down. So she can't write down, you 20 know, if you are nodding or nonverbal 21 responses. So just -- 22 A. Sure. 23 Q. -- make sure you give verbal 24 responses. And also, just if you wait until I</p>	<p>Page 6</p> <p>1 questions? 2 A. No. 3 Q. Have you taken any prescription 4 medication or otherwise in the last -- 5 -- -- 6 (Technical difficulties.) 7 -- -- 8 A. Can you repeat the question? I'm 9 sorry. 10 Q. Have you taken any prescription 11 medication or otherwise in the last 24 hours? 12 A. Yes. 13 Q. Okay. What medication are you on? 14 A. Anxiety and asthma. 15 Q. Okay. And there is no reason why 16 that medication would affect your ability to 17 answer my questions truthfully today, correct? 18 A. Correct. 19 Q. Okay. Have you consumed any 20 alcohol in the past 24 hours? 21 A. No. 22 Q. Okay. And do you know why you are 23 here today? 24 A. Yes.</p>
<p>Page 5</p> <p>1 am done speaking, and then you can respond so 2 that we aren't speaking over each other. And 3 I will do the same, again, for the court 4 reporter. Okay? 5 A. Yes. 6 Q. And if you need to take a break at 7 any point, just let me know. I just ask that 8 you wait until the last question is answered, 9 and then you can take a break. Okay? 10 A. Okay. 11 Q. And you understand that you are 12 under oath today, correct? 13 A. Yes. 14 Q. And that means you are sworn to 15 tell the truth, right? 16 A. Yes. 17 Q. And is there any reason why -- is 18 there any reason why -- is there any reason 19 that might impair or prevent you from fully or 20 truthfully answering my questions today? 21 A. No. 22 Q. Okay. Do you -- do you suffer from 23 any condition, either mental or physical, that 24 might impair your ability to understand my</p>	<p>Page 7</p> <p>1 Q. And why is that? 2 A. To act as a character witness for 3 our company as far as how we utilize our 4 policies and procedures as it pertains to 5 conduct issues. 6 Q. And what company is that? 7 A. Bloomingdale's under the umbrella 8 of Macy's, Inc. 9 Q. When did you start working at 10 Bloomingdale's? 11 A. I started in July of 2019. 12 Q. Okay. So for purposes of this 13 deposition if I am saying Bloomingdale's, is 14 it understood that I am talking about both; is 15 that correct? 16 A. Yes, yes. I can, you mean, both 17 Macy's and Bloomingdale's? I can clarify if 18 there are any differences. But typically 19 there are not. 20 Q. And tell me how you prepared for 21 today's deposition. 22 A. I reviewed our policies and 23 procedures. I reviewed the training that I go 24 through myself and some of our colleagues go</p>

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<p>1 through. And then I also spoke to my previous 2 supervisor, Anita Watkins. 3 Q. Okay. And those documents that you 4 reviewed, the policies, have those been 5 produced in this case already? 6 A. Yes. 7 Q. Okay. And do you recall -- 8 withdrawn. 9 And so what years would those 10 policies be that you reviewed? 11 A. The -- it's primarily in our 2015 12 handbook, all of our policies and our code of 13 conduct is included there. 14 Q. Okay. So the code of conduct 15 handbook has not been updated since 2015? 16 A. Not to my knowledge, no. 17 Q. Okay. Did you speak with anyone 18 aside from your attorneys about today's 19 deposition? 20 A. No. 21 MS. TIERNEY: Objection to form. 22 You can answer. 23 A. No. 24 Q. Okay. Did you speak to any of your</p>	<p>1 A. No. 2 Q. Okay. And so your current employer 3 is Bloomingdale's? 4 A. Correct. 5 Q. Where did you work before that? 6 A. I worked for Target. 7 Q. Okay. And what was your position 8 at Target? 9 A. I was there for ten years. My last 10 three years I was a general manager. 11 Q. Okay. And why did you leave 12 Target? 13 A. I no longer wanted to be a district 14 manager. 15 Q. Okay. So it was a promotion? 16 MS. TIERNEY: Objection to form. 17 You may answer. 18 Q. Go ahead. 19 A. No. I wanted to get back into the 20 field of HR so I left on my own volition from 21 being a store manager. 22 Q. Okay. Was Target, the Target that 23 you worked out -- withdrawn. 24 Where did you work for Target?</p>
Page 9	Page 11
<p>1 previous coworkers besides Anita Watkins that 2 you mentioned? 3 A. No. 4 Q. Okay. And where were you born? 5 A. Lenexa, Kansas. 6 Q. What state are you a resident of? 7 A. New Jersey. 8 Q. Okay. You state that you have 9 never been to a deposition before. So have 10 you testified in a case before? 11 A. No. I have only -- I have only 12 attended unemployment hearings. 13 Q. Okay. And was it for yourself? 14 A. No, for previous colleagues both 15 from Bloomingdale's and my previous employer. 16 Q. Have you ever given a statement 17 under oath? 18 A. In the other preliminary hearings, 19 yes. 20 Q. Have you ever been a plaintiff in a 21 lawsuit? 22 A. Not to my knowledge. 23 Q. Have you ever been a defendant in a 24 lawsuit?</p>	<p>1 A. In Kansas City, both Missouri and 2 Kansas. 3 Q. Okay. Was general manager your 4 starting position at Target? 5 A. No. It was not. 6 Q. What was your starting position? 7 A. It was executive team leader. It 8 would be like an associate manager. 9 Q. Okay. And then you -- at what 10 point did you become general manager? 11 A. After seven years. 12 Q. Okay. Where did you work before 13 that? 14 A. Prior was for the Disney Store in 15 Kansas City. 16 Q. And your position there? 17 A. I was a key carrier. I held keys 18 to open and close the store. 19 Q. Prior to -- withdrawn. 20 Prior to your position at 21 Bloomingdale's, what HR positions did you 22 hold? 23 A. Within Target, I spent a year and a 24 half as executive team leader for HR. So HR</p>

<p>Page 12</p> <p>1 executive in the store. And then the three 2 years that I held the title of general 3 manager, the HR department reported to me. So 4 that was an HR function as well. 5 Q. Okay. How did you obtain the 6 position at Bloomingdale's? 7 A. Applied and interviewed. 8 Q. Okay. And for what position did 9 you apply for? 10 A. At the time, it was manager of 11 employee relations. 12 Q. Okay. What year was that? 13 A. It was 2019. 14 Q. Okay. Who interviewed you? 15 A. Anita Watkins. 16 Q. What was her position? 17 A. I believe it was a senior VP of 18 human resources in the New York trade area. 19 Q. Okay. Can you explain what your 20 position entailed as employee relations? 21 A. Sure. As of 2019 in employee 22 relations, my main focus was investigate 23 claims of harassment and discrimination in our 24 flagship store in Manhattan.</p>	<p>Page 14</p> <p>1 Q. Oh, only Bloomingdale's. Okay. 2 And did each store have someone in your 3 position investigating as well for those 4 stores? 5 A. Our flagship store was quite large. 6 That's why it was only me and the other areas 7 that were multiple stores that fed into one 8 individual. 9 Q. Okay. And what -- can you describe 10 the process, the investigation process? 11 MS. TIERNEY: Objection to the 12 form. You may answer. 13 A. So if an employee come forwards 14 with a concern, either to a leader or to 15 someone in HR or another individual, it was my 16 responsibility to sit with that individual and 17 understand their concern. I would take a 18 formal statement. Then I would investigate 19 the concern based off the information given. 20 So if there were witnesses, I would 21 speak to witnesses. And then I would speak to 22 the individual who they were complaining about 23 or individuals they were complaining about and 24 then make a decision either to unsubstantiate</p>
<p>Page 13</p> <p>1 Q. Okay. And what's the address of 2 the flagship store? 3 A. 1000 Third Avenue, New York, New 4 York. I believe it's 10022. 5 Q. So did you work in that location at 6 that location? 7 A. Yes. 8 Q. Okay. So did you investigate the 9 harassment and discrimination claims just at 10 that store or for the whole company? 11 A. In 2019 just in that store. In 12 2020, it expanded to our Soho location as 13 well. 14 Q. Okay. And is every -- withdrawn. 15 Does every store have -- withdrawn. 16 When you say 'flagship store,' are 17 you talking about Macy's, just to be clear? 18 A. Bloomingdale's. It's at 60th 19 Street and Lexington Avenue. 20 Q. Okay. And so did you investigate 21 it for Bloomingdale's harassment claims and 22 discrimination for Bloomingdale's and Macy's; 23 is that correct? 24 A. Only Bloomingdale's.</p>	<p>Page 15</p> <p>1 or substantiate the complaint and either 2 follow our disciplinary process or 3 termination. 4 Q. Okay. So did you make the ultimate 5 decision as to whether to terminate or what 6 the outcome should be? 7 A. It depended on the situation or the 8 severity of the situation. There were times 9 if it was very black and white and a clear 10 violation of our policy, then I may make the 11 decision on my own. Otherwise, I may partner 12 with our legal counsel or with my boss at the 13 time, Anita Watkins. 14 Q. Okay. And is there a policy on the 15 investigation process? 16 MS. TIERNEY: Objection to the 17 form. You can answer. 18 A. Not to my knowledge. There is 19 training on the investigation process and a 20 policy as far as conduct that was allowed or 21 not within the company. But nothing that I 22 can think of that was specifically a process. 23 Q. What kind of training was 24 conducted?</p>

<p>Page 16</p> <p>1 A. So we have compliance training that 2 I went through, including confidentiality, 3 HIPAA laws, sexual harassment, preventing 4 sexual harassment. And then there was an 5 online training or conducting investigations. 6 However, the majority of my training was 7 shadowing the person that was in place prior 8 to me. So I shadowed her for multiple months 9 before taking on investigations on my own.</p> <p>10 Q. Okay. And were there any written 11 documents in that training or trainings?</p> <p>12 A. No.</p> <p>13 Q. Okay. Besides the employee 14 handbook like you stated, was the plan in the 15 handbook of code of conduct right or standard 16 conduct, right?</p> <p>17 A. Correct.</p> <p>18 Q. How does an employee report a 19 complaint of discrimination or harassment?</p> <p>20 MS. TIERNEY: I will object to 21 the form. You can answer.</p> <p>22 A. It would be multiple matters, 23 either by telling their manager. They can 24 come in and inform a member of HR. We also</p>	<p>Page 18</p> <p>1 managers are required to report regardless if 2 they were told by an employee about harassment 3 or discrimination?</p> <p>4 A. It would be within our sexual 5 harassment and discrimination training we are 6 required to do annually. However, I don't 7 recall it being in an actual policy.</p> <p>8 MS. MENDOZA: Okay. To the extent 9 that those documents exist, we will request 10 those records after the deposition.</p> <p>11 Q. Okay. So did you document your 12 investigation into claims of harassment or 13 discrimination?</p> <p>14 A. Yes.</p> <p>15 Q. And where are those stored?</p> <p>16 A. Everything that I investigated is 17 stored on physical paper. So it's locked in 18 our HR office with the statements individuals 19 would make and sign and the notes that I would 20 take and recount that I would do on the actual 21 investigation itself and the outcome.</p> <p>22 Q. Okay. Approximately -- so this 23 is -- we are talking about in 2019, right?</p> <p>24 A. Yes.</p>
<p>Page 17</p> <p>1 have an anonymous hotline that they can call 2 to complain as well.</p> <p>3 We are also a unionized environment 4 so there were times I received complaints from 5 the union where I investigated in that manner. 6 But we took and take all complaints seriously. 7 So even if someone came forward and said so 8 and so that's something we investigate that as 9 well.</p> <p>10 Q. Okay. And are there any policies 11 on managers reporting harassment or 12 discrimination?</p> <p>13 A. We inform our managers that if 14 someone comes forward with a concern even if 15 they don't use the words harassment or 16 discrimination. They should take that 17 seriously and they are considered on notice 18 and they should inform someone in HR 19 immediately.</p> <p>20 Q. And what if an employee doesn't 21 tell the manager but the manager sees it? Is 22 the manager supposed to report it?</p> <p>23 A. Yes.</p> <p>24 Q. Are there any policies that say</p>	<p>Page 19</p> <p>1 Q. Approximately how many -- 2 approximately how many investigations did you 3 conduct into harassment or discrimination?</p> <p>4 MS. TIERNEY: As of what time 5 frame? From then to now?</p> <p>6 MS. MENDOZA: No, that time 2019.</p> <p>7 MS. TIERNEY: Okay. So just in 8 2019?</p> <p>9 MS. MENDOZA: Correct.</p> <p>10 A. Since I arrived in July of 2019, I 11 would say perhaps a dozen. But I can't say 12 for sure how many I investigated in 2019.</p> <p>13 Q. Okay. And in -- did your position 14 change between July 2019 and now?</p> <p>15 A. Yes. So my title -- well, I am now 16 senior manager of employee relations. My 17 title has remained the same. However, my 18 duties shifted in March of 2022. And I am now 19 focused on engagement and culture within our 20 New York trade area so our three stores in 21 Manhattan.</p> <p>22 Q. Okay. So now instead of just being 23 at the flagship store, you have now expanded 24 to all three stores, you say?</p>

<p>Page 20</p> <p>1 A. I have expanded to all three stores 2 and I no longer investigate harassment and 3 discrimination. 4 Q. Okay. And was that change in March 5 of 2020, you said, right? 6 A. Correct. 7 Q. Okay. So between July 2019 and 8 March of 2020, approximately how many 9 investigations did you conduct for 10 discrimination or harassment? 11 A. I'm sorry. I don't think I can 12 say. Over one hundred but I'm not confident 13 beyond that. 14 Q. Okay. Were any of those -- 15 withdrawn. 16 When did you change from employee 17 relations? What year from what you were doing 18 before March of 2020 to what you are doing 19 now? 20 A. We restructured our HR department 21 so there is now a team of individuals that 22 investigate harassment and discrimination 23 under different levels within our company, 24 both within Macy's and Bloomingdale's. And</p>	<p>Page 22</p> <p>1 retaliation as well? 2 A. Yes. 3 Q. Okay. And that's also in the code 4 of conduct? 5 A. It is, yes. 6 Q. Is it also in the employee 7 handbook? 8 A. Yes. They are together in the code 9 of conduct in the book, yes. 10 Q. Okay. And are there any 11 trainings -- are there any trainings done for 12 regarding sexual harassment, discrimination 13 and retaliation in the workplace? 14 A. Yes. 15 MS. TIERNEY: Objection to form. 16 You can answer. I'm sorry. Go ahead. 17 A. Yes. There is an annual training 18 that all of our colleagues are required to 19 take about sexual harassment, discrimination 20 and retaliation. 21 Q. Okay. And who makes those 22 trainings? 23 A. It is digital so it's an online 24 training. It is tracked online. That way we</p>
<p>Page 21</p> <p>1 within the restructure, the company found the 2 need for an individual like myself to focus on 3 culture and engagement and also be a resident 4 expert on policies, procedures and our 5 collective bargaining agreement within our 6 flagship store. 7 Q. Okay. So there is still -- 8 withdrawn. 9 And what does engagement and 10 culture entail? 11 A. I guess for lack of a better term, 12 you are making sure everyone is happy, 13 understanding if they are not, why that is and 14 helping to lead our leaders to do better and 15 make change. So I do still have individuals 16 come forward with concerns of harassment and 17 discrimination, and I assist them in finding 18 the correct avenue within our company to have 19 that investigated. 20 Q. Okay. So let's -- I'm going to ask 21 you questions about the policies for sexual 22 harassment, discrimination. And were those 23 policies -- withdrawn. 24 Are there any policies on</p>	<p>Page 23</p> <p>1 can insure that everyone takes the training. 2 Q. An when did that start, those 3 trainings? 4 A. As far as it being online or in 5 general, I don't know. I can't say. 6 Q. Are there any policies for making 7 requests for accommodations? 8 A. We have -- yes. We have an 9 accommodation policy. We allow both medical 10 and religious accommodations that are handled 11 differently. However, yes. We have both. 12 Q. Where are those located? 13 A. I'm not sure if it's in the 14 handbook. I don't remember off the top of my 15 head. However, it is all available on our 16 internal website, including the form to 17 request either a medical or religious 18 accommodation. 19 Q. Okay. What about for pregnancy 20 accommodations, any pregnancy-related 21 accommodations? 22 A. Any pregnancy-related 23 accommodations would fall under medical. It 24 would not be separate from a medical</p>

<p>Page 24</p> <p>1 accommodation.</p> <p>2 Q. Okay. So how are employees</p> <p>3 informed how to make an accommodations</p> <p>4 request?</p> <p>5 A. Since it's currently done online,</p> <p>6 it is reviewed within our orientation process.</p> <p>7 Additionally if a colleague was to come</p> <p>8 forward to a leader and state they were not</p> <p>9 able to complete all the essential functions</p> <p>10 of their job based on a medical reason, then</p> <p>11 the leader is trained to show them how to open</p> <p>12 the accommodation as well.</p> <p>13 Q. Okay. Is there any separate --</p> <p>14 withdrawn.</p> <p>15 Are there any separate policies for</p> <p>16 managers as to how to provide accommodations</p> <p>17 for employees?</p> <p>18 MS. TIERNEY: Objection to form.</p> <p>19 You may answer.</p> <p>20 A. The managers themselves would not</p> <p>21 be providing an accommodation. They would be</p> <p>22 instructing the colleague to open it and then</p> <p>23 we have accommodation disability leave</p> <p>24 management team that would review an</p>	<p>Page 26</p> <p>1 able to complete their requirements. At that</p> <p>2 time if the individual discloses they have a</p> <p>3 medical condition that's preventing them from</p> <p>4 doing so, then the leader would encourage them</p> <p>5 to open an accommodation.</p> <p>6 Q. Okay. But so my question is: Are</p> <p>7 there policies or written documentation as to</p> <p>8 from the company that informs managers as to</p> <p>9 what you just said, that if there is anything</p> <p>10 that comes up at that time to talk about</p> <p>11 accommodation?</p> <p>12 A. The accommodation like requesting</p> <p>13 accommodation itself would be the, would be</p> <p>14 required of the employees for them to disclose</p> <p>15 the information and then open the</p> <p>16 accommodation itself. I don't recall anything</p> <p>17 in the policy about accommodation in regard to</p> <p>18 leadership.</p> <p>19 Q. Okay. So would a manager know from</p> <p>20 the company that they are to suggest the</p> <p>21 employee talk to the disability or</p> <p>22 accommodation unit -- withdrawn.</p> <p>23 So explain to me how the --</p> <p>24 withdrawn.</p>
<p>Page 25</p> <p>1 accommodation and approve or deny it based off</p> <p>2 of information provided by the colleague and</p> <p>3 their medical provider.</p> <p>4 Q. And where is that team that you</p> <p>5 just stated that provides the accommodation?</p> <p>6 What department are they in?</p> <p>7 A. They are within our HR department.</p> <p>8 They are a branch of Macy's. And they are all</p> <p>9 over the country, since they work digitally.</p> <p>10 Q. Okay. Is there any training or</p> <p>11 policies for managers as to how to --</p> <p>12 withdrawn.</p> <p>13 If a manager sees that an employee</p> <p>14 may need an accommodation, medical</p> <p>15 accommodation or pregnancy-related</p> <p>16 accommodation, can they suggest that they</p> <p>17 request an accommodation?</p> <p>18 MS. TIERNEY: Objection to the</p> <p>19 form. You may answer.</p> <p>20 A. I would only encourage them doing</p> <p>21 so if an individual can't perform the full</p> <p>22 function of their job. Many times this comes</p> <p>23 under when someone is held accountable either</p> <p>24 for about lateness or absence or not being</p>	<p>Page 27</p> <p>1 Do you know how the disability and</p> <p>2 leave department processes accommodation</p> <p>3 requests?</p> <p>4 MS. TIERNEY: Objection to the</p> <p>5 form. You can answer.</p> <p>6 A. I know to an extent. I worked with</p> <p>7 the team before it became fully digital. So</p> <p>8 essentially the colleague would request the</p> <p>9 accommodation. They would ask for doctor</p> <p>10 documentation in line with HIPAA laws so</p> <p>11 nothing that would violate the HIPAA policy</p> <p>12 but something from the doctor stating what it</p> <p>13 is they need in order to be to work on time or</p> <p>14 not being late or do the early functions of</p> <p>15 the job.</p> <p>16 It would be reviewed by that team.</p> <p>17 They would decide if we can make a reasonable</p> <p>18 accommodation. If we cannot make a reasonable</p> <p>19 accommodation -- an example would be we have</p> <p>20 people that need to sit the whole time but</p> <p>21 can't actually complete their job by sitting</p> <p>22 the whole time. So in lieu of an</p> <p>23 accommodation, a leave of absence would be</p> <p>24 recommended.</p>

<p>Page 28</p> <p>1 Q. And is that a company -- is that 2 just a company policy that in lieu of 3 accommodation, a leave of absence is 4 recommended?</p> <p>5 A. It is what I have experienced. I 6 don't know if it is a policy.</p> <p>7 Q. Who makes that determination?</p> <p>8 A. Accommodation disability and leave 9 management team.</p> <p>10 Q. So when you say -- can you explain 11 what you mean by digital, that they are 12 digital.</p> <p>13 A. From my recollection in 2019 if 14 someone came forward and wanted an 15 accommodation, as the employer relations 16 manager they would fill out a form and I would 17 send it to the ADLM team. Now they can simply 18 log into our internal website and request it 19 on the computer instead of having to put 20 anything on paper. And it goes directly to 21 them instead of having to go through another 22 individual in the store. So they technically 23 don't even need the leader to know about it or 24 assist with it unless they need assistance.</p>	<p>Page 30</p> <p>1 A. Correct.</p> <p>2 Q. Okay. So what was it in 2019?</p> <p>3 A. In 2019 we have -- we had multiple 4 HR business partners. We had a VP of HR that 5 was Anita Watkins. We had myself as employee 6 relations. We did have some acquisition 7 managers as well, all within the four walls of 8 the building.</p> <p>9 Q. Okay. Did it change before that, 10 before 2019?</p> <p>11 A. My understanding is before 2019 12 there were just more of them.</p> <p>13 Q. Okay. Do you know the year or 14 years?</p> <p>15 A. No, unfortunately.</p> <p>16 Q. So how -- withdrawn. 17 Where are employees' personnel 18 files stored?</p> <p>19 A. Depends on the content of the 20 personnel file. Like I had mentioned, my 21 investigations are physically on paper and 22 under lock and key in our offices. Basic 23 files like signing off for our code of 24 conduct, employment records, those are</p>
<p>Page 29</p> <p>1 Q. Okay. So those teams are located 2 in the actual store?</p> <p>3 A. No.</p> <p>4 Q. Okay. Where are they?</p> <p>5 A. Because they mostly work remotely, 6 they are all over the country.</p> <p>7 Q. Okay. Is the HR department within 8 the store?</p> <p>9 MS. TIERNEY: Objection to form.</p> <p>10 A. At this time I am the only HR 11 representative in the store, as we have 12 experts for different categories like 13 investigating discrimination leave and 14 disability. So I primarily would direct 15 individuals to the right place or the leader 16 directs me to the right place. And this is 17 within our change of our structure. The 18 structure was completely different in 2019 and 19 before. There were more individuals in HR 20 then.</p> <p>21 Q. Okay. So when did it change?</p> <p>22 A. Primarily this year, March 2022.</p> <p>23 Q. Okay. So what you are describing 24 is the 2022 current status?</p>	<p>Page 31</p> <p>1 digital. So we scan them into our imaging 2 system. They can be accessed by HR digitally.</p> <p>3 Q. Okay. Who else has access to those 4 files?</p> <p>5 A. HR is the only individual that I am 6 aware of. In fact, I currently access the 7 paper file but not the digital one anymore.</p> <p>8 Q. Okay. So you said it's accessed by 9 HR but it's digital or also physical?</p> <p>10 MS. TIERNEY: Objection to form. 11 You can answer.</p> <p>12 A. It's both depending on content.</p> <p>13 Q. Okay. And what about your 14 disciplinary files? Where are those located?</p> <p>15 A. Disciplinary would be in our 16 imaging system as well as the digital version.</p> <p>17 Q. Okay. That's only accessed by HR?</p> <p>18 A. That's correct.</p> <p>19 Q. Be what about -- withdrawn. 20 Is there a cloud software that 21 stores employees' information?</p> <p>22 MS. TIERNEY: Objection to the 23 form. You may answer.</p> <p>24 A. That's a little bit out of my</p>

<p>1 knowledge as far as technology. 2 Q. Okay. So -- I guess if when you 3 are doing an investigation, when you were 4 doing your investigation considering 5 complaints of sexual harassment if you were 6 looking at the case of an employee, do you 7 research them on some type of database within 8 the company? 9 A. Yes. 10 Q. Okay. What is that database? 11 A. It's an -- well, I guess it is a 12 Cloud, Oracle system. Our -- the manager can 13 see direct reports. HR can see anyone within 14 the company. But it's all basic information, 15 hire date or they are located in the store. 16 And I think only HR can access personal 17 information as far as phone number and email. 18 Q. And what about for instance, if 19 somebody calls in for a complaint of 20 discrimination against that employee, would 21 that be in their file? 22 A. No. 23 MS. TIERNEY: Objection to form. 24 Q. No?</p>	<p>Page 32</p>	<p>1 A. There is an older system but I 2 believe it was also run by Oracle and data 3 transferred. So those are our main two in 4 addition to our internal Internet. 5 Q. Okay. And when did it change? 6 A. I believe it was in 2020 we 7 switched to the newer Oracle. 8 MS. TIERNEY: I am going to 9 object. I think we are getting outside of the 10 topics of your 30 (b)(6) notice. I'm not 11 going to stop her from answering because I 12 understand the relevance. But I do want us 13 to -- I mean, she is produced for the topics 1 14 through 4. So I just want to raise that 15 objection. But I do want to try to focus on 16 the topics she was produced for. 17 MS. MENDOZA: No. I just want to 18 be clear. I wanted to know if you are still 19 going from 1 through 4 as far as where there 20 is records so that we can go, so she knows 21 where the information is stored. That's 22 what -- it's relevant to know where we can 23 request those records from. 24 MS. TIERNEY: Well, my only</p>	<p>Page 34</p>
<p>1 A. Correct. It would not be. 2 Q. Is that because that's in the 3 physical file? 4 A. Yes. 5 Q. Okay. What about tardiness? Would 6 that be in the Oracle that you stated? 7 MS. TIERNEY: Objection to the 8 form. You can answer. 9 A. There are different systems. So we 10 use a Kronos system for time and attendance 11 that keeps track of time punching in and out. 12 And we indicate if an individual was late or 13 absent based off of their schedule any given 14 day. 15 Q. Okay. And who has access to that? 16 A. Any leader is able to access the 17 Kronos system. 18 Q. Okay. What about in our 19 investigations -- withdrawn. 20 So you mentioned Oracle and then 21 the Kronos. Is there anything else or 22 database? 23 MS. TIERNEY: Objection to the 24 form.</p>	<p>Page 33</p>	<p>1 concern is 1 through 4 talks about in terms of 2 the discrimination, sexual harassment. There 3 is nothing about time and attendance or any 4 other policies. It is fully related to those 5 policies. But like I said, I will give you a 6 little leeway because it's relevant. But I do 7 think we need to focus on what you actually 8 asked for in your discovery. 9 MS. MENDOZA: Okay. Fair enough. 10 BY MS. MENDOZA: 11 Q. Going back to the storage system. 12 Have there been any complaints of 13 pregnancy-related discrimination? 14 MS. TIERNEY: Objection to the 15 form. 16 Q. Withdrawn. 17 Have there been -- have you 18 investigated any complaints into pregnancy 19 discrimination? 20 MS. TIERNEY: Objection to form. 21 A. Not to my recollection. 22 Q. Okay. So since 2019 to March of 23 '22, you have not investigated a complaint of 24 discrimination based on pregnancy, correct?</p>	<p>Page 35</p>

<p>Page 36</p> <p>1 A. Correct.</p> <p>2 Q. And for -- how about for</p> <p>3 pregnancy-related medical conditions? Have</p> <p>4 you investigated a complaint for that?</p> <p>5 A. Not within the realm of harassment</p> <p>6 discrimination, to my recollection.</p> <p>7 Q. Okay. In what realm was it in?</p> <p>8 A. Well, I mean, I assisted</p> <p>9 individuals with accommodation or FMLA or</p> <p>10 absence within the realm of pregnancy but</p> <p>11 nothing that has to do with harassment or</p> <p>12 discrimination.</p> <p>13 Q. Okay. And what about for</p> <p>14 retaliation or a complaint? Have you</p> <p>15 investigated a complaint for retaliation for</p> <p>16 making a complaint based on pregnancy?</p> <p>17 A. No, I have not.</p> <p>18 Q. What about -- same question except</p> <p>19 for a pregnancy-related medical condition?</p> <p>20 A. No, I have not.</p> <p>21 Q. Okay. Again, your investigations</p> <p>22 are only for employees at the New York store,</p> <p>23 correct?</p> <p>24 A. That's correct, except for starting</p>	<p>Page 38</p> <p>1 A. As far as it being specific to</p> <p>2 postemployment, not to my recollection.</p> <p>3 Q. Okay. So if you are, if a --</p> <p>4 withdrawn.</p> <p>5 For example in an employee is</p> <p>6 terminated -- withdrawn.</p> <p>7 If an employee is suspended and</p> <p>8 they complain of retaliation or discrimination</p> <p>9 while they are on suspension, will an</p> <p>10 investigation be conducted based on the</p> <p>11 company's policies?</p> <p>12 A. Yes.</p> <p>13 MS. TIERNEY: Objection to form.</p> <p>14 Q. Okay. And if that employee is</p> <p>15 terminated, does the company inform the</p> <p>16 employee the outcome of that investigation?</p> <p>17 A. Yes. We will always follow up with</p> <p>18 the individual based on the outcome of the</p> <p>19 investigation, yes.</p> <p>20 Q. Okay. And do you also -- does the</p> <p>21 company inform the union about any</p> <p>22 investigation determinations?</p> <p>23 MS. TIERNEY: Object to the form.</p> <p>24 You can answer.</p>
<p>Page 37</p> <p>1 in 2020, I included the Soho location as well.</p> <p>2 Q. Okay. And do you investigate all</p> <p>3 complaints that you receive?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. So -- withdrawn. Do you</p> <p>6 investigate complaints of harassment or</p> <p>7 discrimination even if an employee is</p> <p>8 terminated?</p> <p>9 MS. TIERNEY: Object to the form.</p> <p>10 You may answer.</p> <p>11 A. Yes and no. It depends on what</p> <p>12 occurs. I can't say that I have had someone</p> <p>13 claim harassment and discrimination</p> <p>14 postemployment. I have had them -- I have had</p> <p>15 people claim harassment and discrimination.</p> <p>16 And I in that type of investigation am</p> <p>17 investigating separate conduct that said:</p> <p>18 Well, I'm being harassed or discriminated by</p> <p>19 XYZ. I can say as a company we would</p> <p>20 investigate a claim of harassment and</p> <p>21 discrimination postemployment if a complaint</p> <p>22 was going forward.</p> <p>23 Q. Okay. And is that a written</p> <p>24 policy?</p>	<p>Page 39</p> <p>1 A. It depends on the outcome. If</p> <p>2 something was unsubstantiated, if it resulted</p> <p>3 in disciplinary action or termination, we</p> <p>4 would be required to inform the union because</p> <p>5 the proper procedure for the next step would</p> <p>6 be the grievance process.</p> <p>7 Q. Okay. At the beginning, at the</p> <p>8 initial stage of investigations into</p> <p>9 complaints of sexual harassment and</p> <p>10 discrimination, do you contact the union?</p> <p>11 A. No. Many times the colleague</p> <p>12 chooses to do so. So but I would not until</p> <p>13 the outcome of the investigation.</p> <p>14 Q. Okay. Is there any written policy</p> <p>15 for that?</p> <p>16 A. Not to my recollection. I don't</p> <p>17 think investigations are addressed in the</p> <p>18 collective bargaining agreement, just our</p> <p>19 policies and procedures around disciplinary</p> <p>20 action and termination.</p> <p>21 MS. MENDOZA: Just give me a few</p> <p>22 minutes to look over everything. But I think</p> <p>23 we will probably be done fairly soon. Just</p> <p>24 give me like five minutes.</p>

<p>1 (Recess.)</p> <p>2 Q. So is there a record -- withdrawn.</p> <p>3 So if someone is -- withdrawn.</p> <p>4 If someone has made a complaint</p> <p>5 against Employee B for discrimination and an</p> <p>6 investigation is done on Employee B, that</p> <p>7 determination or outcome of the investigation</p> <p>8 for Employee B, is that recorded somewhere in</p> <p>9 Employee B's file?</p> <p>10 MS. TIERNEY: Objection to the</p> <p>11 form of the question. You may answer.</p> <p>12 A. It would depend on the outcome as</p> <p>13 far as their physical or digital file. If</p> <p>14 the -- if it was unsubstantiated, it would be</p> <p>15 kept in a file but not on the employee's</p> <p>16 record. If disciplinary action or termination</p> <p>17 was found, then yes. It would be in their</p> <p>18 file as to why disciplinary action or</p> <p>19 termination was recommended.</p> <p>20 Q. Okay. When you -- you mentioned</p> <p>21 physical. Do you mean is it handwritten or is</p> <p>22 it -- yeah. Is it handwritten? Is that what</p> <p>23 you mean?</p> <p>24 A. Primarily. I primarily used</p>	<p>Page 40</p> <p>1 MS. MENDOZA: Okay. This is</p> <p>2 Exhibit 1 unless there is any objection to</p> <p>3 this.</p> <p>4 Q. Okay. This is marked as</p> <p>5 Plaintiff's Exhibit 1. And at the bottom, it</p> <p>6 says BLM000807. Do you see that?</p> <p>7 A. Yes.</p> <p>8 Q. And up at the top, it says:</p> <p>9 Kristina Mikhaylova, Salesforce - Unlimited</p> <p>10 Edition. Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. So my question is one: Did the</p> <p>13 company use salesforce to record employees'</p> <p>14 information?</p> <p>15 MS. TIERNEY: Objection to the</p> <p>16 form. You may answer.</p> <p>17 A. Yes, I believe so. It is a newer</p> <p>18 system. I do not have access.</p> <p>19 Q. What do you mean by 'newer'?</p> <p>20 A. Well, I'm honestly not sure at this</p> <p>21 time when we started using it. I know our</p> <p>22 Macy's investigated and used it. But as a</p> <p>23 Bloomingdale's investigator, I did not have</p> <p>24 access to the system which is why I primarily</p>
<p>Page 41</p> <p>1 handwritten when I took notes and when I</p> <p>2 interacted with individuals because it was</p> <p>3 less distracting than typing. However, when I</p> <p>4 would summarize the events of my</p> <p>5 investigation, I most likely would type them.</p> <p>6 Q. Okay. And so just going back to my</p> <p>7 previous question. Would that initial</p> <p>8 complaint against Employee B be recorded</p> <p>9 anywhere?</p> <p>10 A. It would remain on file, yes. Not</p> <p>11 in the individual's personnel file because it</p> <p>12 may have been substantiated. But we would</p> <p>13 keep a physical file of the complaint, yes.</p> <p>14 Q. Okay. So -- okay. And I just want</p> <p>15 to -- this is for purposes of --</p> <p>16 MS. MENDOZA: Shane, if we can</p> <p>17 introduce a sales force document. This will</p> <p>18 be marked Exhibit -- Shane, do you have a</p> <p>19 record of where we did the last deposition</p> <p>20 exhibit number?</p> <p>21 THE VIDEOGRAPHER: Not at this</p> <p>22 moment.</p> <p>23 (Cox Exhibit No. 1 was marked for</p> <p>24 identification.)</p>	<p>Page 42</p> <p>1 had physical files and my predecessors would</p> <p>2 have as well.</p> <p>3 Q. Okay. So you -- withdrawn.</p> <p>4 So at the bottom there you see</p> <p>5 there that first page, it says Crayco (ph) and</p> <p>6 Oracle.</p> <p>7 A. Yes.</p> <p>8 Q. So before you mentioned Oracle as a</p> <p>9 store system?</p> <p>10 A. Correct.</p> <p>11 Q. So do you know if Oracle is using</p> <p>12 the same information as the sales force?</p> <p>13 A. I don't know for sure. I would</p> <p>14 assume so, yes. This is the type of</p> <p>15 information I can see in Oracle.</p> <p>16 Q. Okay. And this is -- and Oracle is</p> <p>17 the information that only HR has access to?</p> <p>18 Is that correct?</p> <p>19 MS. TIERNEY: Objection to the</p> <p>20 form. You may answer.</p> <p>21 A. Primarily yes. Her name and</p> <p>22 employee number and then the department</p> <p>23 information would always be accessible by the</p> <p>24 leader for gender, language preference, email.</p>
<p>Page 43</p>	<p>Page 43</p>

<p>Page 44</p> <p>1 All of that would only be accessible by HR.</p> <p>2 Q. So going back to the investigations</p> <p>3 in the Complaint for sexual harassment. So</p> <p>4 just to be clear, it's not stored on sales</p> <p>5 force, correct?</p> <p>6 MS. TIERNEY: Object to the form.</p> <p>7 You may answer.</p> <p>8 A. My understanding is that it is now.</p> <p>9 However, in the time frame that I conducted</p> <p>10 investigations and prior, it was not.</p> <p>11 MS. MENDOZA: Okay. We can get off</p> <p>12 the screen.</p> <p>13 (Cox Exhibit No. 2 was marked for</p> <p>14 identification.)</p> <p>15 Q. And then next exhibit Exhibit 2.</p> <p>16 Do you see the document?</p> <p>17 A. Yes.</p> <p>18 Q. The bottom of the screen it says</p> <p>19 BLM000754. Do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. So have you seen -- withdrawn.</p> <p>22 This looks like a database of some sort,</p> <p>23 correct?</p> <p>24 A. Yes, it is our older database. I</p>	<p>Page 46</p> <p>1 the screen. Thank you.</p> <p>2 Q. So you have mentioned you have done</p> <p>3 many investigations into harassment and</p> <p>4 discrimination. Correct?</p> <p>5 A. Correct.</p> <p>6 Q. And after -- withdrawn.</p> <p>7 Approximately how many of those</p> <p>8 were substantiated?</p> <p>9 A. I really can't say. I can say that</p> <p>10 I have substantiated claims of harassment and</p> <p>11 discrimination but I don't know the number.</p> <p>12 Q. Okay. And just to be clear, are</p> <p>13 you the only person that was investigating</p> <p>14 claims of harassment and discrimination,</p> <p>15 retaliation at the flagship store in March of</p> <p>16 2022?</p> <p>17 A. Yes.</p> <p>18 Q. And after your determination, was</p> <p>19 there any new policies or trainings</p> <p>20 implemented?</p> <p>21 MS. TIERNEY: Objection to the</p> <p>22 form. You may answer.</p> <p>23 A. Not to my recollection.</p> <p>24 Q. What types of training -- you may</p>
<p>Page 45</p> <p>1 previously assumed was Oracle as well that we</p> <p>2 transferred everything into the newer system.</p> <p>3 However, we do still use this system.</p> <p>4 Q. Okay. And what is the name of the</p> <p>5 system?</p> <p>6 MS. TIERNEY: Objection to the</p> <p>7 form.</p> <p>8 A. I'm actually not sure it's because</p> <p>9 it's so old I don't recall.</p> <p>10 Q. Okay. So based on your response,</p> <p>11 this system -- withdrawn. Did you incorporate</p> <p>12 or input any of your investigation findings or</p> <p>13 complaints of sexual harassment,</p> <p>14 discrimination, anything related to that in</p> <p>15 this system?</p> <p>16 A. No, I did not. I also don't think</p> <p>17 it's possible but I did not.</p> <p>18 Q. Okay. Why do you say it's not</p> <p>19 possible?</p> <p>20 A. I'm not aware of a way that you</p> <p>21 could upload documents in the system. I think</p> <p>22 it's just filling in the fields that are</p> <p>23 already there.</p> <p>24 MS. MENDOZA: Okay. We can get off</p>	<p>Page 47</p> <p>1 have mentioned it before but I want to go back</p> <p>2 to it. What types of training are there for</p> <p>3 pregnancy discrimination?</p> <p>4 A. I don't recall anything being</p> <p>5 specific within the realm of pregnancy. I</p> <p>6 mentioned before I would categorize that as</p> <p>7 medical. So anything that we have in regards</p> <p>8 to sexual harassment, discrimination,</p> <p>9 retaliation would fall under that. But I</p> <p>10 don't recall anything pregnancy-specific.</p> <p>11 Q. Okay. So can you elaborate as to</p> <p>12 what that training is?</p> <p>13 MS. TIERNEY: Objection to the form.</p> <p>14 You can answer.</p> <p>15 A. There is -- it's about 45 to 50</p> <p>16 minutes long. It's a combination of</p> <p>17 information being read to you and video</p> <p>18 examples. And the training -- the same for</p> <p>19 both colleagues and leaders.</p> <p>20 And then it gives you the option</p> <p>21 throughout the training to respond to</p> <p>22 situations in an appropriate manner, lets you</p> <p>23 know if you are incorrect. And essentially</p> <p>24 trains our colleagues a, not to discriminate</p>

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1 or harass one another and what to do it if a
2 situation as such would occur.

3 Q. Okay. And you previously mentioned
4 that managers are not -- withdrawn.

5 Are managers synonymous with
6 leaders?

7 MS. TIERNEY: Object to the form.
8 You can answer.

9 A. Yes.

10 Q. Is there anybody else that's
11 considered to be a leader besides managers?

12 A. No. I would consider the verbiage
13 one in the same. We have working supervisors
14 in the store. However, they would be
15 unionized employees and would be considered a
16 peer of a regular colleague.

17 Q. Okay. So going back to
18 accommodation requests, you stated that there
19 -- withdrawn.

20 Are there pregnancy-related medical
21 accommodations given at the company?

22 MS. TIERNEY: Objection to the
23 form. You can answer.

24 A. Yes. I have seen -- it depends on

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1 what's needed. Again, it's dictated by what
2 the individual needs. Sometimes it's sitting
3 the entire day. That's more difficult to
4 accommodate something compared to like lifting
5 under 5 pounds, something like that. So I
6 have seen accommodations in regards to a
7 pregnancy-related condition, yes.

8 Q. But you have not seen any
9 complaints of pregnancy-related accommodation;
10 correct?

11 A. Correct.

12 Q. And okay. And -- withdrawn.

13 MS. MENDOZA: That's all my
14 questions. Thank you.

15 MS. TIERNEY: Madam Court Reporter,
16 we will read, review and sign. And we will
17 take a copy.

18 (Deposition concluded at 11:16
19 a.m.)
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23
24

1 CERTIFICATION

2
3 I hereby certify that the
4 proceedings, evidence and objections noted are
5 contained fully and accurately in the notes
6 taken by me in the deposition of the foregoing
7 matter and that this is a true and correct
8 transcript of the same.
9

10
11 LYNDA C. VETTER

12 STENOGRAPHIC COURT REPORTER

13 NOTARY PUBLIC
14

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After doing so, please sign the errata sheet and date it.

You are signing same subject to the changes you have noted on the errata sheet, which will be attached to your deposition.

It is imperative that you return the original errata sheet to the deposing attorney within thirty (30) days of receipt of the deposition transcript by you. If you fail to do so, the deposition transcript may be deemed to be accurate and may be used in court.

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ACKNOWLEDGMENT OF DEPONENT

I, _____, do hereby certify that I have read the foregoing pages and that the same is a correct transcription of the answers given by me to the questions therein propounded, except for the corrections or changes in form or substance, if any, noted in the attached Errata Sheet.

Date_____
Signature

Subscribed and sworn to before me this ____ day of

_____, 20__.

My commission expires:_____

Notary Public

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10001 (1)

10022 (1)

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10176 (1)

11:16 (1)

12th (1)

151 (1)

19-8927 (1)

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2 (4)

20 (1)

2015 (2)

2019 (18)

2020 (6)

2022 (5)

212-494-1621 (1)

212-587-0760 (1)

212-661-5030 (1)

22 (1)

24 (2)

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4905 (1)

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BETTY (1)

Betty.tierney@macys.c

om (1)

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BLM000807 (2)

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 medication (4)
MELISSA (2)
 melissa@dereksmithla
 w.com (1)
 member (1)
MENDOZA (16)
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 Missouri (1)
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pertains (1)	providing (1)	reports (1)	sexual (12)
ph (1)	Public (3)	representative (1)	sgerber@schoeman.co
phone (1)	punching (1)	Representing (2)	m (1)
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physically (1)	put (1)	(1)	shadowing (1)
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< X >
XYZ (1)

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YORK (13)